

GLENN ROYCE FAVRE,

Claimant,

-versus-

JOHN MACKLIN AND THE MACKLIN FAMILY TRUST
Defendant,

Adversary Proceeding No: _____

Case No.: 08-85264 - mhm

Judge Honorable Margaret Murphy

09 - 9071

COMPLAINT

Glenn R Favre ("Plaintiff") hereby files this Complaint for Breach of Contract, quantum meruit and unjust enrichment, against John Macklin and The Macklin Family Trust ("Defendant") alleging as follows:

PARTIES

1

Plaintiff is an individual under the protection of this Honorable Court and the rulings of the Honorable Judge Margaret Murphy, which resides in this Jurisdiction.

2

Defendant, John Macklin and the Macklin Family Trust is an entity residing in the State of Georgia in Fulton County, 57 Crumbley Ave, Atlanta Georgia 30302.

JURISDICTION

3

Jurisdiction and venue are proper in this court under the facts and circumstances set forth herein which include defendant's residence within the Northern District of Georgia.

4

OCT 16 2009 PM03:23

Joseph D. [Signature]
DEPUTY CLERK

IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA
REGINA THOMAS,
CLERK

FILED

Promissory Estoppels

Plaintiff claims an enforceable promise existed between the parties because plaintiff justifiably relied on a promise made by the defendant. The plaintiff has the burden of proving:

[1] John Macklin promised Glenn Favre that He would pay Glenn Favre for the repairs to Defendants home.

[2] Glenn Favre states that Defendant has not paid for the repairs to Defendant's home promised to Plaintiff.

[3] John Macklin expected or reasonably should have expected that the promise would cause Glenn Favre to become financially burdened when Plaintiff was not reimbursed for and in turn financing the repairs of Defendants home, where as causing the Plaintiff to file protection under 11 USC Chapter 7.

[4] Glenn Favre was damaged because He relied on John Macklin's promise. To date John Macklin refuses to pay the monies of the final invoice which represents the Plaintiff's expenses, labor and materials used in the repairs of Defendants home.

[6] As a result, the Plaintiff has had to retain counsel, file for protection under 11 USC Chapter 7, and this HONORABLE COURTS PROTECTION OF THE AUTOMATIC STAY 362 (b), forced to close his business, been foreclosed upon his primary residence, lost his personnel transportation, investments and all savings in an attempt to have the Defendant pay for what he promised.

[7] The Plaintiff's health has deteriorated because of the undue stress and the onset of Post Financial Traumatic Stress Disorder (PSFTD) and is unable to sustain gainful employment because of PSFTD.

WHEREFORE, Claimant requests and prays that this Honorable Court and that of the Honorable Margaret Murphy:

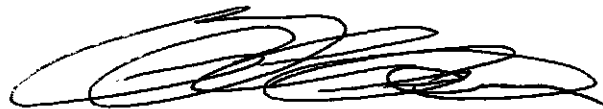
(a) grant Plaintiff a judgment against the Defendant for the amount fully allowed that this court deems just and necessary.

(b) grant Plaintiff a reversal of the voluntary petition of Claimants Chapter 7 filed December 9, 2008.

(c) grant all other relief deems just and necessary

(d) request that Defendant's litigious actions be forwarded to the Proper State and Federal authorities for Criminal Prosecution as the Honorable Judge Margaret Murphy deems proper.

Respectfully submitted this 16th day of October, 2009

A handwritten signature in black ink, appearing to read 'Glenn R Favre', with a stylized, cursive flourish extending to the right.

Glenn R Favre Claimant

110 South Columbia Drive #11
Decatur, Georgia 30030
4043731137

Lien 923 Pg 732
 Filed and Recorded Jun-20-2008 11:02am
 2008-0148430
 Cathelene Robinson
 Clerk of Superior Court
 Fulton County, Georgia

Return To:

Glenn Favre
 Top To Bottom Renovations, LLC
 1230 Peachtree St.
 Suite 1900
 Atlanta, GA 30309

Materialman's and Mechanic's Claim of Lien
State of Georgia, Fulton County

404-942-2715

Top To Bottom Renovations, LLC, engaged in the business of improving real estate by performing services, furnishing materials and/or equipment, claims a lien in the amount of \$7,631.00 plus interest thereon as provided by law, upon a certain building and the real estate upon which it is erected of:

Effie Smith-Macklin, as trustee of The John H. Macklin Family Trust

property owner(s), for satisfaction of a claim which became due on 05/13/2008 for building, repairing, improving and/or furnishing material and labor for a building or structure. Said labor, materials, or equipment were furnished by the undersigned lien claimant at the instance of John Macklin

The real estate in Fulton County, Georgia being more particularly described as:

Land Lot: 53 District: 14th Section:
 Lot: 38 Block: Phase/Unit:
 Subdivision: Heritage Pointe Townhouses
 Being Known As: 57 Crumley Street
 Plat Book: 241 Page: 21 Warranty Deed: 46741 Page: 304

This notice and Claim of Lien is filed for record, in the Office of the Clerk of the Superior Court of this County where the property is located pursuant to O.C.G.A. 44-14-360, et seq. within three (3) months since the last furnishing or performance of the aforementioned labor, service or material.

Top To Bottom Renovations, LLC

BY: Glenn Favre

Glenn Favre

DATE: 6-20-08ITS: Owner

===== TO RELEASE CLAIM OF LIEN =====

Instructions: To release this lien in the public record filings, the Lien Claimant must sign the information below the original lien, then mail the original lien and a \$5.00 check payable to "The Clerk of Superior Court of Fulton County".

Mail To: Superior Court Clerk of Fulton County, 136 Pryor Street
 Atlanta, Ga 30303, Attn: Lien Filings.

This instrument is hereby cancelled and the Clerk of Superior Court of Fulton County, Georgia is hereby authorized and directed to satisfy it of record.

This the _____ day of _____

Top To Bottom Renovations, LLC

BY: _____

Title: _____

FILED LIEN CONFIRMATION

CDI Credit, Inc.

6160 Peachtree Dunwoody Rd., #B-210
Atlanta, GA 30328
770-350-5070 fax 770-394-2197

June 23, 2008

TO: **Glenn Favre**
Top To Bottom Renovations, LLC
1230 Peachtree St.
Suite 1900
Atlanta, GA 30309

Phone: 404-942-2715
Fax: 404-942-3401

Dear Glenn Favre :

This document is your confirmation of a lien filed on your behalf on Jun 20, 2008. The original Lien document will be sent to you from the courthouse in 2 to 4 weeks, after courthouse processing. All of the important information pertaining to this Lien and the companies that have been notified is listed below. Attached please find a copy of the Lien as filed.

DEBTOR'S NAME: John Macklin
DATE LIEN FILED: 06/20/2008
AMOUNT: \$7,631.00
PROPERTY: Fulton County
Land Lot: 53 District: 14th
Lot: 38
Subdivision: Heritage Pointe Townhouses
Being Known As: 57 Crumley Street
Plat Book: 241 Page: 21
Warranty Deed: 46741 Page: 304

OWNER NOTIFIED: Effie Smith-Macklin, as trustee of The John H. Macklin Family
Trust --- Certified
57 Crumley Street
Atlanta, GA 30312

DEBTOR NOTIFIED: John Macklin
2203 Solmar Dr
Silver Spring, MD 20904

Sincerely,
CDI Credit, Inc.

RELEASE OF LIEN ORDER

To release this lien, sign and date below, and return to CDI Credit, Inc. By signing this document, you are authorizing CDI Credit, Inc. to remove the above mentioned lien from public record. If you have any questions, call 770-350-5070, and we will address your concerns.

Signature: _____ Date: _____

Office Use: WO # 3029646

FLC-101-816929

CDI Credit, Inc. Order Acknowledgement

6160 Peachtree Dunwoody Rd. NE Suite B-210
Atlanta, GA 30328
Phone 770-350-5070 Fax 770-394-2197

TO: Glenn Favre
Top To Bottom Renovations, LLC
404-942-3401

June 19, 2008

We acknowledge receipt of your Residential Lien, work order number 3029646

Debtor: John Macklin
County: Fulton
Property 57 Crumley permit 200800759

Amount: \$7,631.00

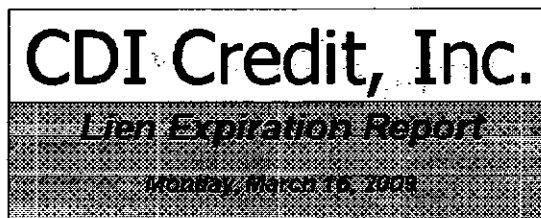
The Fees for filing this lien WILL NOT be added to the lien amount.
This is NOT a RUSH order.

Please contact CDI Credit immediately if upon review you need to make changes to this order.

Thank you for the opportunity to serve you.

MAY 13 2008

CDI Credit, Inc.
6160 Peachtree Dunwoody Rd., Ste B-210
Atlanta, GA 30328
Phone 770-350-5070 Fax 770-394-2197



Glenn Favre
Top To Bottom Renovations, LLC
110 S. Columbia Dr. #11
Decatur, GA 30030

404-822-3031
404-373-1137
M3990633

Dear Glenn Favre ;

Below are listed liens CDI filed on your behalf that will be expiring in the next three months. This letter is to notify you of the need to take action regarding these liens.

Busch & Reed, The Construction Law Experts:

If the debts involving these liens have not yet been paid, and you are considering filing a lawsuit to perfect the lien(s) before they expire, Busch & Reed can advise you of your legal options. Busch & Reed is dedicated to meeting the legal needs of the construction industry, and has helped its clients collect millions of dollars in debt. For more information, visit BuschReedLaw.com or call (770) 424-1934.

If the debts involving these liens are no longer outstanding, you should make arrangements to have a lien release filed on your company's behalf. Please indicate below any lien that you would like CDI to release and cancel of record for you. If you have already released any liens yourself, please indicate that below as well, so we can remove such liens from future Lien Expiration Reports. Once you have completed the form, you can return it to us by fax or mail.

Last Date:	Debtor:	Amount	Property	Work Order
5/13/2008	John Macklin	\$7,631.00	Land Lot: 53 District: 14th Lot: 38 Subdivision: Heritage Pointe Townhouses Being Known As: 57 Crumley Street Plat Book: 241 Page: 21 Warranty Deed: 46741 Page: 304 Fulton County	3029646
<input type="checkbox"/> This lien has been released.		<input type="checkbox"/> Please release on my behalf. (Normal charges apply)		
Date of Lien Release:		Signature:		


09-9071

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS <div style="font-size: 1.2em; font-weight: bold;">Glenn R Favre</div>	DEFENDANT <i>John Macklin & The Macklin Family Trust</i>			
ATTORNEYS (Firm Name, Address, and Telephone No.) CHARLES HALL 4045232044 127 PEACHTREE STREET SUITE 905 ATLANTA, GEORGIA 30303	ATTORNEYS (If Known) KIM DYMECKI 152 NASSAU STREET ATLANTA GEORGIA 30303 4042309155			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) DEFENDANT REFUSING TO SURRENDER THE MATERIAL AND SUBCONTRACTOR LABOR REIMBERSABLE CHECK FROM THE INSURANCE COMPANY CAUSED PLAINTIFF UNMEASRUABLE STRESS, DIRECTLY CAUSING THE HOSPITALIZATION IN NOVEMBER. PLAINTIFF HAS HAD TO FILE FOR BK7 PROTECTION AND SINCE HAS LOST HIS COMPANY, HOUSE AND TRANSPORTATION.				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) - Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) - Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column) </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) - Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) - Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa et seq. <input checked="" type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) - Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) - Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) - Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) - Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa et seq. <input checked="" type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law		<input checked="" type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$ 15,000 INTEREST AND CONSEQUENTIAL DAMAGES		
Other Relief Sought RESTITUTION BE PAID TO PLAINTIFF AT THE MAXIMUM ALLOWED BY THIS COURT				

Filed in U.S. Bankruptcy Court
 Atlanta, Georgia
 OCT 16 2009
 By: *M. Weather's*
 Deputy Clerk

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Glenn R Favre pro se		BANKRUPTCY CASE NO. 08-ca-85264-mhm
DISTRICT IN WHICH CASE IS PENDING Northern	DIVISION OFFICE Atlanta	NAME OF JUDGE Margaret Murphy
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE October 15, 2009	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Glenn R Favre pro se	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

09-9071 Judge mhm.

NEW ADVERSARY CHECKLIST

- (☒) Complete Filing
(☐) Incomplete Filing

Check-mark the following documents that are missing:

- (☐) Summons
(☐) Adversary Cover Sheet
(☐) Complaint

Customer was given:

- ☐ Letter Attached
- ☐ Summons ☐ Adversary Cover Sheet
At Intake Counter Date _____
- ☐ Summons ☐ Adversary Cover Sheet
Sent via US mail Date _____

FEE

PAID _____

DEFERRED _____

NOT REQUIRED ☒ _____